



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: August 19, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian Harris, Planning and Zoning Administrator

Subject: **Daniel Mendenhall of ADM Vending Inc. (petitioner) and Nash, Bosowski, Clegg & Clegg, and Mitchell & Mitchell (owners)** – Variance under Section 2.02.4.B of the Zoning Ordinance to permit a commercial/retail use in the I-1 (Industrial) District. The parcel is located at 20 Continental Boulevard in the I-1 (Industrial) and Aquifer Conservation Districts and Wellhead Protection area. Tax Map 3C, Lot 086. Case # 2015-29.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject property comprises approximately 3.1 acres located at 20 Continental Boulevard. The lot is located in the I-1 (Industrial) and Aquifer Conservation Districts, and is serviced by municipal sewer and water from MVD. Abutting properties include residential uses to the south and west, and industrial uses to the north and east. The site was approved for a 25,400 SF industrial building in November 1984.

The petitioner, Dan Mendenhall, of ADM Vending, Inc. received a violation notice of site plan approval dated October 22, 2012 from the previous Planning and Zoning Administrator, Nancy Larson. Mr. Mendenhall attempted to bring the site into compliance in the fall of 2013, but those attempts did not result in an application to the Zoning Board of Adjustment for a variance at the time. As the Planning and Zoning Administrator position transitioned in early 2014, this service request and attempts to bring the site into compliance were put on hold until such time as a new service request was received in April 2015 for signs advertising ADM Vending that did not have proper permits on the site.

The petitioner is before you to seek a variance to permit a commercial/retail use in the I-1 (Industrial) District.

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under Section 2.02.4.B of the Zoning Ordinance have been met to permit a commercial/retail use in the I-1 (Industrial) District.

cc: Correspondence & Zoning Board File
ec: Dan Mendenhall, ADM Vending, Inc., petitioner
Jeffrey Knight, Tamposi Company, owner
Carol Miner and Fred Kelley, Building Department